

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

GRACIELA GALINDO, *et al.*,

Plaintiffs,

v.

REEVES COUNTY, TEXAS, *et al.*,

Defendants.

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EP-10-CV-454-DB

**DECLARATION OF DONNA GRUBE
UNDER PENALTY OF PERJURY
PURSUANT TO 28 U.S.C. § 1746**

In accordance with the provisions of Section 1746 of Title 28, United States Code, I, the undersigned, DONNA GRUBE, hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause:

I am over the age of 18 and competent to make the following declaration based on my personal knowledge. I am currently employed as a Contract Specialist with the United States Bureau of Prisons (BOP) and have been in this position since August 2008.

My duties include administering contracts DJB1PC003 and DJB1PC007 for the BOP. Both privatized contracts are with Reeves County with sub-contractors GEO and Physicians Network Associates (PNA). I did not however, participate in the awarding of these contracts.

Additionally, I solicit, award and administer Transitional Drug Abuse and Mental Health Services (TDAT) Contracts for inmates in Residential Re-entry Centers and on home confinement. I am guided in the performance of my duties by the Federal Acquisitions Regulations (FAR), the Justice Acquisitions Regulations (JAR) and Bureau of Prisons Acquisitions Policy (BPAP).

**DEFENDANT'S
EXHIBIT
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I am aware that the Plaintiffs in the above styled and numbered lawsuit allege that I am personally liable for the death of Mr. Jesus Manuel Galindo in that I failed to adequately monitor the contract with GEO and PNA and that I failed to take adequate measures to ensure that Mr. Galindo received adequate medical care. It is my understanding that Mr. Galindo passed away on December 12, 2008 while incarcerated at the Reeves County Detention Center III (RCDC III). I was not involved in the decision to house Mr. Galindo in RCDC III.

Prior to my employment in my current position with the BOP in August 2008 I was not aware of, or familiar with GEO or PNA. At the time of Mr. Galindo's death, I was not aware of any deficiencies regarding the treatment of inmates or the medical care being provided to inmates at RCDC III. I am not a licensed health care professional and am not competent to make medical decisions regarding the medical treatment of inmates.

Accreditation by the American Correctional Association ("ACA") is a requirement of the contract with RCDC III. The ACA is an independent, non-governmental agency, that evaluates and accredits correctional facilities. The ACA performed an accreditation audit of RCDC III in September 2008, just prior to the death of Mr. Galindo. The ACA found no serious concerns that I was aware of. There were some Notices of Concern (NOC) written in 2008, however, they documented mainly security concerns and procedural issues.

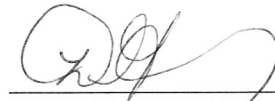
As part of the contract, the RCDC is also required to be accredited by the Joint Commission on Accreditation of Healthcare Organizations ("JCAHO"). This is also an independent, non-governmental entity. JCAHO performs audits and accreditation of facilities that provide health care, such as hospitals and clinics. JCAHO performed an audit of RCDC III in January 2009 and accredited RCDC III for ambulatory health care in February 2009.

I do not recall knowing specifically who Mr. Galindo was and I was not aware of any concerns regarding his treatment or medical care. I do recall asking the warden about why a particular inmate with medical concerns was in the Segregated Housing Unit (SHU) during the approximate time period relevant to this lawsuit. I do not recall if Mr. Galindo was the inmate I was inquiring about. The warden informed me that the inmate was in the SHU so that they could monitor his condition closely and for his own protection. The response seemed reasonable to me and I had no reason to question it.

Under the terms of the terms of the contract with Reeves County, the BOP did not have the power to terminate, direct, or otherwise interrupt the employment of GEO or PNA staff.

At no time was I aware of any deficiency in the treatment of any serious medical needs of Mr. Galindo. Nor was I aware of any deficiencies regarding the treatment of serious medical needs of any inmates at RCDC III. It is my belief that the inmates at RCDC III were receiving adequate medical care in compliance with the requirements of the United States Constitution. At all times I acted in the good faith belief that my actions were consistent with my duty to ensure compliance with the contract by all contracting parties. These actions included ensuring the health and welfare of inmates housed at RCDC III.

Executed on this day, __11__, August 2011


DONNA GRUBE